

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:

REMBRANDT TECHNOLOGIES, LP
PATENT LITIGATION

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) MDL Docket No. 07-md-1848-GMS-LPS
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**ALL OTHER PARTIES' MOTION FOR A DETERMINATION
THAT THIS IS AN EXCEPTIONAL CASE AND AN AWARD OF
ATTORNEYS' AND EXPERTS' FEES AND COSTS**

Pursuant to Federal Rule of Civil Procedure 54, 35 U.S.C. § 285, the Court's inherent authority, and the Court's Order of November 13, 2009, all parties adverse to Rembrandt Technologies, LP and Rembrandt Technologies, LLC in the above matters that include the Eight Patents ("AOPs")¹ hereby move the Court to (i) find this case exceptional; (ii) find that AOPs are entitled to their attorneys' fees and expenses pursuant to 35 U.S.C. § 285; (iii) find that AOPs are entitled to their experts' fees and expenses pursuant to the Court's inherent power; and (iv) set a schedule for AOPs to submit evidentiary materials bearing on their fees and costs. The grounds for this motion are set forth in All Other Parties' Opening Brief In Support Of Their Motion For

¹ Moving party AOPs do not include Adelphia entities as they are filing their own motion for fees given their unique bankruptcy posture. Similarly, with respect to Charter entities, on October 15, 2009, the United States Bankruptcy Court for the Southern District of New York issued a preliminary ruling indicating that the Charter entities' Joint Plan of Reorganization would be approved and that an order to that effect will be entered in the next few weeks. The Charter entities expect to emerge from bankruptcy shortly thereafter and to move to reopen the Rembrandt MDL as to the Charter entities.

A Determination That This Is An Exceptional Case And An Award Of Attorneys' And Experts' Fees and Costs, filed contemporaneously herewith.

/s/ John W. Shaw

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Date: November 16, 2009

CERTIFICATE OF SERVICE

I, John W. Shaw, Esquire, hereby certify that on November 16, 2009, I caused to be electronically filed a copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on November 16, 2009, I caused a copy of the foregoing document to be served by e-mail and hand delivery on the above-listed counsel of record.

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